

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

AURELIO MARTINEZ RODRIGUEZ,

Defendant.

4:17-CR-3036

PRELIMINARY ORDER OF
FORFEITURE

This matter is before the Court on the plaintiff's Motion for Preliminary Order of Forfeiture ([filing 51](#)). Counts I of the information in this case ([filing 41](#)) charged the defendant with conspiracy to possess and distribute cocaine and methamphetamine in violation of [21 U.S.C. §§ 841\(a\)\(1\) and 846](#). Count II of the information charged the defendant with conspiracy to commit money laundering in violation of [18 U.S.C. § 1956\(h\)](#). The information also contained a forfeiture allegation seeking the forfeiture, pursuant to [18 U.S.C. §§ 981 and 982](#); [21 U.S.C. § 853](#); and [28 U.S.C. 2461](#) of \$11,584.72 in United States currency seized from the defendant's bank account on the basis that it was used, or was intended to be used, to facilitate the violations alleged in Counts I and II, or was derived from proceeds obtained directly or indirectly as a result of the commission of those Counts. [Filing 41 at 4](#).

By virtue of the parties' plea agreement, the defendant also agreed to forfeit \$25,000.00 in United States currency pursuant to [18 U.S.C. §§ 981 and 982](#); [21 U.S.C. § 853](#); and [28 U.S.C. 2461](#). [Filing 47 at 1](#). That amount is "in lieu of forfeiting the Defendant's residence." [Filing 51 at 2](#). The defendant was informed at his change of plea hearing that the forfeiture allegations

included \$11,584.72 and \$25,000.00 in United States currency. [Filing 52 at 18](#).

The defendant has pled guilty to Counts I and II of the information and admitted the forfeiture allegation. [Filing 47 at 1-4](#). By virtue of pleading guilty to the charges and admitting the forfeiture allegation, the defendant has forfeited his interest in the subject property, and the plaintiff should be entitled to possession of the property pursuant to [21 U.S.C. § 853](#). Therefore, the plaintiff's motion for preliminary order of forfeiture is granted.

IT IS ORDERED:

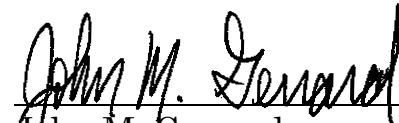
1. The plaintiff's Motion for Preliminary Order of Forfeiture ([filing 51](#)) is granted.
2. Based upon the defendant's guilty plea and admission of the forfeiture allegation of the indictment, the plaintiff is authorized to seize the \$11,584.72 in United States currency from the defendant's bank account, and the \$25,000.00 as described above.
3. The defendant's interest in the subject property is forfeited to the plaintiff for disposition in accordance with law, subject to the provisions of [21 U.S.C. § 853](#).
4. The subject property is to be held by the plaintiff in its secure custody and control.

5. Pursuant to [21 U.S.C. § 853\(n\)\(1\)](#), the plaintiff shall publish for at least 30 consecutive days on an official Internet government forfeiture site (www.forfeiture.gov) notice of this order, notice of publication evidencing the plaintiff's intent to dispose of the property in such manner as the Attorney General may direct, and notice that any person, other than the defendant, having or claiming a legal interest in the property must file a petition with the Court within 30 days of the final publication of notice or of receipt of actual notice, whichever is earlier.
6. Such published notice shall state that the petition referred to in paragraph 5, above, shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest in the property and any additional facts supporting the petitioner's claim and relief sought.
7. The plaintiff may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property as a substitute for published notice as to those persons so notified.

8. Upon adjudication of all third-party interests, this Court will enter a final order of forfeiture pursuant to [21 U.S.C. § 853\(n\)](#), in which all interests will be addressed.

Dated this 29th day of December, 2017.

BY THE COURT:



John M. Gerrard
United States District Judge